

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Federal-State Joint Board on Universal Service)	CC Docket No. <u>96-45</u>
)	
Petition of iBroadband Networks, Inc.,)	
)	
d/b/a Cedar Valley Communications)	
)	
Section 54.314 of the Commission's Rules)	
)	
)	
)	

To: The Commission

PETITION FOR WAIVER

**iBroadband Networks, Inc.
d/b/a Cedar Valley Communications**

Regulatory and Tax Consultants, LLC
450 Old Peachtree Road NW
Suite 101A
Suwanee, GA 30024

678.436.5590

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To: The Commission

PETITION FOR WAIVER

iBroadband Networks, Inc., d/b/a Cedar Valley Communications ,carrier ("CLEC") hereby seeks a waiver of Section 54.314 of the Commission's Rules. As discussed below, iBroadband Networks, Inc., d/b/a Cedar Valley Communications, reasonably believed it had timely filed its quarterly affidavit for renewal of certification for eligibility of receiving Federal USF support . Under Commission precedent, special circumstances described below warrant a grant of waiver.

I. FACTUAL BACKGROUND

On June 12, 2007, after receiving ETC on June 1, 2007, iBroadband Networks, Inc. d/b/a Cedar Valley Communications mailed an Affidavit for renewal of certification for Federal USF support to the Public Utility Commission of Texas, Docket No. 24481, (See Exhibit A) as required by the Federal USF to the attention of the File Clerk, Public Utility Commission of Texas.

The October 1, 2007 Affidavit for renewal of certification, due on September 1, 2007 was filed late due to a clerical error. Clerical error due to not understanding that the October 1, 2007 Affidavit is due no later than September 1, 2007. Said Affidavit was received on October 1, 2007, (See Exhibit B)

On October 25, 2007, the Public Utility Commission of Texas certified, iBroadband Networks, Inc., d/b/a Cedar Valley Communications eligible to receive Federal USF support, (See Exhibit C).

II. GOOD CAUSE EXISTS FOR WAIVER OF SECTION 54.314

Pursuant to section 1.3 of its rules, the Commission may waive any of its rules in whole or in part, If there is good cause. In numerous cases, the Commission has granted waivers to accept late filings from USF Recipients who, like iBroadband Networks, Inc., d/b/a Cedar Valley Communications, made reasonable efforts to ensure a timely filing, but failed to do so as a result of a clerical error.

Thus, the Commission should waive Section 54.31 to accept iBroadband Networks, Inc., d/b/a Cedar Valley Communications, late-filed Certification.

CONCLUSION

iBroadband Networks, Inc., d/b/a Cedar Valley Communications, reasonably believed it had filed its Affidavit for renewal of certification on time. However, due to an honest clerical error said certification was received after the due date. Grant of a waiver is consistent with Commission precedent, and will serve the public interest.

Respectfully submitted,

iBroadband networks, Inc.
d/b/a Cedar Valley Communications

By:

Kenyatta Perkins, President
Regulatory and Tax Consultants, LLC
450 Old Peachtree Road
Suite 101A
Suwanee, GA 30024
(678) 436-5590

EXHIBIT A

06/12/2007 15:09 9724580908

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PAGE 81

*Affidant sent to ~~Bette~~ PUC via DHL 55536496843
Faxed to Rodney Joyce - Fax cont. attached.*

DOCKET NO. 24481

DESIGNATION OF CARRIERS AS ELIGIBLE § PUBLIC UTILITY COMMISSION
TELECOMMUNICATIONS CARRIERS (ETC.) TO §
RECEIVE FEDERAL UNIVERSAL FUNDS § OF TEXAS
PURSUANT TO THE FEDERAL §
COMMUNICATIONS COMMISSION'S §
FOURTEENTH REPORT AND ORDER ADOPTING §
A STATE CERTIFICATION PROCESS §

STATE OF TEXAS

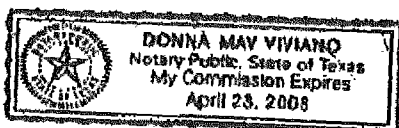
COUNTY OF HENDERSON

BEFORE ME, the undersigned authority, on this day personally appeared Gary L. Busby of iBroadband Networks, Inc. d/b/a Cedar Valley Communications ("the Company"), who on his oath deposed and said:

1. My name is Gary L. Busby. I am employed by the Company in the position of Executive Vice President and General Manager. In this position, I am personally familiar with the Federal Universal Service support to be received by the Company and how the Company will use these funds.
2. The Company was designated as an eligible telecommunications carrier by the Public Utility Commission of Texas in Docket No. 33481/SOAH Dkt. No. 473-07-2044 by order dated June 11, 2007.
3. The Federal Universal Service support funds received by the Company will be used only for the provision, maintenance, and upgrading of facilities for which the support is intended, as designated by the Federal Communications Commission consistent with §254(e) of the federal Telecommunications Act. These funds will be used to provide supported services as designated in 47 C.F.R. §54.101 which are available throughout the Company's study area.
4. The matters addressed above are within my personal knowledge and are true and correct.

Gary L. Busby
Signature of Affiant

12 SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, on this the
day of June, 2007.



Donna May Viviano
Notary Public
State of Texas

SEAL:

(Handwritten mark)

EXHIBIT B

File Copy



IBROADBAND

September 19, 2007

File Clerk
Public Utility Commission of Texas
1701 N Congress Avenue
PO Box 13326
Austin TX 78711-3326

Dear Sir/Madam:

iBroadband Networks, Inc. respectfully submits our Annual Certification for USF support. Enclosed, please find the original and ten copies of Docket No. 24481.

In addition to the original and ten copies, I have enclosed an additional copy. Please stamp the copy "Received" and return for our records. I have enclosed a self addressed envelope for your convenience. Thank you in advance for taking the time to return the documentation.

Regards,

Angela Rose
Director of Billing and Customer Service

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 1.65
Certified Fee	\$ 2.51
Return Receipt Fee (Endorsement Required)	\$ 3.15
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total Postage & Fees	\$ 7.31

Sent To: **File Clerk / Public Utility Commission**
 Street, Apt. No. or P.O. Box No.: **1701 N Congress Avenue**
 City, State, ZIP+4: **Austin TX 78711-3326**

PS Form 3811, June 2004

1. Attachments: 1, 2, and 3. Also complete return address below if required.

2. Place your name and address on the reverse so that we can return the card to you.

3. Attach this card to the back of the mailpiece or on the front if space permits.

4. Article Addressed to:

**File Clerk
 Public Utility Commission of Texas
 1701 N Congress Avenue
 PO Box 13326
 Austin TX 78711-3326**

5. Signature: **X [Signature]**

6. Received by (Printed Name): **File Clerk**

7. Date of Delivery: **10-1-07**

8. Is delivery address different from item 1? ☒ Yes
 If YES, enter delivery address below: ☐ No

9. Service Type:
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

10. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No

11. Article Number: **7006 0100 0007 0988 4217**

PS Form 3811, February 2004 Domestic Return Receipt 102005-02 14-15

DOCKET NO. 24481

DESIGNATION OF COMMON CARRIERS § PUBLIC UTILITY COMMISSION
 AS ELIGIBLE TELECOMMUNICATIONS §
 CARRIERS (ETC) TO RECEIVE FEDERAL §
 UNIVERSAL FUND PURSUANT TO THE § OF TEXAS
 FEDERAL COMMUNICATIONS §
 COMMISSION'S FOURTEENTH REPORT §
 AND ORDER ADOPTING A STATE §
 CERTIFICATION PROCESS §

STATE OF TEXAS

COUNTY OF Henderson

BEFORE ME, the undersigned authority, on this day personally appeared Gary L. Busby of iBroadband Networks, Inc. d/b/a Cedar Valley Communications (the Company or the Cooperative "the Company/Cooperative"), who on his oath deposed and said:

1. My name is Gary L. Busby. I am employed by iBroadband Networks, Inc. d/b/a Cedar Valley Communications in the position of President. In this position, I am personally familiar with the Federal Universal Service support received by the Company/Cooperative and how the Company/Cooperative uses these funds.

2. iBroadband Networks, Inc., d/b/a Cedar Valley Communications was designated as an eligible telecommunications carrier by the Public Utility Commission of Texas in Docket No. 33300, by order dated November 1, 2006.

3. The Federal Universal Service support funds received by iBroadband Networks, Inc. d/b/a Cedar Valley Communications are used only for the provision, maintenance, and upgrading of facilities for which the support is intended, as designated by the Federal Communications Commission consistent with Section 254(e) of the

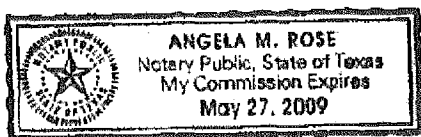
my
 Kate
 Oct 1
 2007

Federal Telecommunications Act. These funds will be used to provide the supported services as designated in 47 C.F.R. §54.101 which are available throughout the Company's study area.

4. The matters addressed above are within my personal knowledge and are true and correct.

Gary L. Busby
(Name)

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, on
this _____ day of _____, 2006.



Notary Public
State of Texas

EXHIBIT C

DOCKET NO. 24481

DESIGNATION OF COMMON
CARRIERS AS ELIGIBLE
TELECOMMUNICATIONS
CARRIERS (ETC) TO RECEIVE
FEDERAL UNIVERSAL FUNDS
PURSUANT TO THE FEDERAL
COMMUNICATIONS COMMISSION'S
FOURTEENTH REPORT AND ORDER
ADOPTING A STATE
CERTIFICATION PROCESS

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PUBLIC UTILITY COMMISSION
OF TEXAS

RECEIVED
2007 OCT 25 PM 2:30
FILING CLERK

ORDER NO. 19
2007 CERTIFICATION PROCESS,
APPROVAL OF LATE-FILED AFFIDAVITS FOR STATE CERTIFICATION OF
ELIGIBLE ETC STATUS TO RECEIVE FEDERAL UNIVERSAL SERVICE SUPPORT

The Public Utility Commission of Texas (Commission) initiated this proceeding in response to the Federal Communications Commission's (FCC) *Report and Order* adopting a state certification process.¹ The FCC's *Report and Order* requires states to establish an annual certification process for rural and non-rural carriers receiving high-cost funds from the federal universal service fund.

In accordance with Section 254(e) of the Federal Telecommunications Act (FTA),² carriers must use federal universal service support "only for the provision, maintenance, and upgrading of facilities and services for which the support was intended." The FCC concluded that the state should certify that all federal high-cost funds flowing to rural and non-rural carriers within the state are being used in a manner consistent with FTA § 254(e). The Commission is required to file such certification with the FCC and the Universal Service Administrative

¹ *In the Matter of Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Fourteenth Report and Order, Twenty-Second Order on Reconsideration, and Further Notice of Proposed Rulemaking in CC Docket No. 96-45, and Report and Order in CC Docket No. 00-256, FCC 01-157 (rel. May 23, 2001) (*Report and Order*).

² Federal Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996) (codified in scattered sections of 15 and 47 U.S.C.).

Company (USAC) in order for carriers within the state to receive federal universal service support.³

The presiding officer issued Order No. 17 establishing a procedural schedule for the 2007 certification process. Notice was published in the *Texas Register* on August 17, 2007. On September 12, 2007, the Commission Staff filed its recommendation and summary of affidavits in response to Order No. 17. Commission Staff recommended approval of a list of eighty-nine (89) carriers filing affidavits consistent with the FCC's requirements and recommended submission of this list to the FCC by October 1, 2007, as required by the FCC's *Report and Order*. On September 12, 2007, the presiding officer issued Order No. 18 approving the affidavits of the eighty-nine (89) carriers. Subsequently, Cleartel Telecommunications, Inc., nii communications, Ltd., iBroadband Networks, Inc. d/b/a Cedar Valley Communications, and Westex Wireless either late-filed affidavits or corrections to an earlier affidavit. On October 15, 2007, Commission Staff filed a recommendation for approval of the late-filed and corrected affidavits.

Pursuant to the FCC's May 23, 2001, *Report and Order*, and consistent with Staff's recommendation, Cleartel Telecommunications, Inc., nii communications, Ltd., iBroadband Networks, Inc. d/b/a Cedar Valley Communications, and Westex Wireless, whose annual affidavits have been received and who meet the criteria established by FTA § 254(e), are certified by the Commission as eligible to receive federal universal service support.

³ As determined for non-rural carriers in *In the Matter of Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Ninth Report and Order and Eighteenth Order on Reconsideration, FCC 99-306 (Nov. 2, 1999) (*Ninth Report and Order*).

SIGNED AT AUSTIN, TEXAS on the 25th day of October 2007.

PUBLIC UTILITY COMMISSION OF TEXAS



ANDREW KANG
ADMINISTRATIVE LAW JUDGE

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